

frivolity review, this Court must determine whether the Complaint raises an indisputably meritless legal theory or is founded upon clearly baseless factual contentions, such as fantastic or delusional scenarios. Neitzke v. Williams, 490 U.S. 319, 327-28 (1989).

III. DISCUSSION

For the following reasons, the Court will dismiss this action without prejudice. The only named Defendants in this action are the “Henderson County Detention Center” and “Jail Officials on duty day of incident, et al.” First, the Henderson County Detention Center is not a distinct legal entity capable of being sued, nor is it a “person” within the meaning of 42 U.S.C. § 1983. See Monell v. Dep’t. of Soc. Servs., 436 U.S. 658, 688 & n.55 (1978) (noting that, for purposes of Section 1983 action, a “person” includes individuals and “bodies politic and corporate”); FED. R. CIV. P. 17(b). Additionally, as to Defendants “Jail Officials,” using the term “jail officials” or the equivalent as a name for alleged defendants, without naming specific officers, is not adequate to state a claim against a “person” as required in Section 1983 actions. Accord Barnes v. Baskerville Corr. Ctr. Med. Staff, No. 3:07CV195, 2008 WL 2564779, at *1 (E.D. Va. June 25, 2008) (“Plaintiff’s allegations that unspecified prison personnel violated his rights does not adequately state a § 1983 claim.”). Therefore, this action must be dismissed. The dismissal will be without prejudice so that Plaintiff may refile his claim against persons or entities capable of being sued in a Section 1983 action.


IV. CONCLUSION

For the reasons stated herein, the Court dismisses this action without prejudice.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s Complaint, (Doc. No. 1), is dismissed without prejudice.
2. Plaintiff’s IFP Application, (Doc. No. 2), is **GRANTED** for the limited purpose of

this initial review.


Frank D. Whitney
Chief United States District Judge

